

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on March 23, 2007, and the references cited therewith.

Claims 1, 3-7, 12, 15-18, 56, 58-62, 70, and 72-76 are amended, claims 2, 13, 23-55, 57, 66-69, and 71 are canceled, and no claims are added; as a result, claims 1, 3-12, 14-22, 56, 58-65, 70, and 72-79 are now pending in this application.

Claim Rejections

The Examiner noted, with respect to claims 56-65, that a “product by process” claim is directed to the product *per se*, no matter how actually made. Applicant respectfully traverses the rejection as follows.

Applicant believes that the claims of the present application, including independent claim 56 and those claims that depend therefrom, can be distinguished from the teachings of the cited reference for at least the reasons presented below.

§ 102 Rejection of the Claims & §103 Rejection of the Claims

Claims 1, 6, 7, 10-12, 17, 18, 21, 22, 56, 61, 62, 65, 70, 75 and 76 were rejected under 35 USC § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Carcia (U.S. Patent No. 7,067,843). Applicant respectfully traverses the rejection as follows.

Applicant does not admit that the Carcia reference is indeed prior art and reserves the right to swear behind at a later date. Nonetheless, Applicant believes that the claims of the present application can be distinguished from the teachings of the cited reference for at least the following reasons.

Applicant’s independent claims 1 and 70, as currently amended, each presently recites, “a channel contacting the drain electrode and the source electrode, wherein the channel includes a first binary oxide selected from SrO and CaO and a second binary oxide selected from CdO, ZnO and MgO”.

From Applicant's review of the Carcia reference, the reference does not describe, teach, or suggest, "a channel contacting the drain electrode and the source electrode, wherein the channel includes a first binary oxide selected from SrO and CaO and a second binary oxide selected from CdO, ZnO and MgO", as recited in Applicant's independent claims 1 and 70, as currently amended. The Carcia reference appears to describe, "the transparent oxide semiconductor (TOS) is selected from the group consisting of zinc oxide (ZnO), indium oxide (In₂O₃), tin oxide (SnO₂), or cadmium oxide (CdO) semiconductor and combinations thereof." (Col. 1, 51-55). Among other binary oxides that the Carcia reference does not appear to describe, teach, or suggest are SrO and CaO, which are the choices for the first binary oxide of independent claims 1 and 70, as currently amended, which is to be used in combination with the second binary oxide.

Applicant's independent claim 12, as currently amended, presently recites, "means for carrying electron flow to electrically couple the drain electrode and the source electrode, wherein the means for carrying electron flow includes a first binary oxide selected from SrO and CaO and a second binary oxide selected from CdO, ZnO and MgO".

In addition, independent claim 56, as currently amended, presently recites, "providing a precursor composition including a first binary oxide selected from SrO and CaO and a second binary oxide selected from CdO, ZnO, and MgO".

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 12, 56, and 70, as currently amended, is not described, taught, or suggested by the Carcia reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 and 103 rejections of independent claims 1, 12, 56, and 70, as currently amended, as well as those claims that depend therefrom.

Allowable Subject Matter

Claims 2-5, 8, 9, 14-16, 19, 20, 57-60, 63, 64, 71-74, and 77-79 were objected to as being dependent upon a rejected base claims, but were indicated to be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges that the Examiner has determined that claims 2-5, 8, 9, 14-16, 19, 20, 57-60, 63, 64, 71-74, and 77-79 contain allowable subject matter. Accordingly, Applicant has endeavored to incorporate allowable subject matter from currently canceled dependent claims 2, 57, and 71 into independent claims 1, 12, 56, and 70, as currently amended.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Timothy F. Myers at (541) 715-4197 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 14th day of June, 2007.

Alison L. Suber
Name

ASL
Signature

Respectfully Submitted,
Randy L. Hoffman, et al.

By Applicants' Representatives,
BROOKS, CAMERON & HUEBSCH,
PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By:

Edward J. Brooks III
Reg. No. 40,925

Date:

6/14/2007